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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

2:12-CV-00534-LRS

8 vs.)

9 \$12,094.42 U.S. CURRENCY,)

Final Order of Forfeiture

10 Defendant.)

11 Plaintiff, United States of America, alleged in a Verified Complaint for
12 Forfeiture In Rem that the Defendant currency is subject to forfeiture to the United
13 States pursuant to 21 U.S.C. § 881. ECF No. 1.

14 The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and
15 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

16 The defendant property being forfeited is described as follows:

17 \$12,094.42 U.S. Currency, converted from a check remitted by High
18 Mountain Hunting Supply for store credit in the name of Isaac
19 Aguigui, seized by FBI on or about March 9, 2012, pursuant to the
20 execution of a federal seizure warrant.

21 1. On or about October 1, 2012, the United States Marshals Service
22 executed the Warrant of Arrest In Rem. The returned warrant was filed with the Court
23 under the above cause number on the October 1, 2012. ECF No. 5.

24 2. Notice of Civil Forfeiture Action was posted on the official government
25 website beginning October 3, 2012, through November 1, 2012, as required by Rule
26 G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
27 Forfeiture Actions, as evidenced by the Notice of Publication filed herein on
28

1 November 15, 2012. ECF Nos. 9, 9-1 and 9-2. At the latest, the claim period expired
2 on December 2, 2012.

3 3. On or about October 1, 2012, High Mountain Hunting Supply was
4 served, via certified mail, return receipt requested, with a copy of the Verified
5 Complaint for Forfeiture In Rem, Warrant of Arrest In Rem, and Notice of Complaint
6 for Forfeiture. ECF No. 6 and 6-1. Based upon the notice's service date the last date
7 to file a timely claim was November 5, 2012, however, the notice incorrectly stated
8 the claim due date as November 30, 2012. Therefore, on or about October 5, 2012,
9 High Mountain Hunting Supply was served via certified mail with an Amended
10 Notice of Complaint, which corrected the clerical error from the previous notice. ECF
11 7 and 7-1. No claim of interest was received or filed with the Court from High
12 Mountain Hunting Supply. On or about November 15, 2012, the United States filed
13 its Notice of Motion for Default, which was served via certified mail, return receipt
14 requested, upon High Mountain Hunting Supply. ECF No. 11. To date, no response
15 has been received. On or about December 6, 2012, the United States filed and served
16 its Motion for Default. ECF Nos. 12, 12-1 and 12-2. On December 7, 2012, the Clerk
17 entered a default order as to High Mountain Hunting Supply. ECF No. 13.

18 4. On or about October 5, 2012, Isaac Glen Aguigui was served, via
19 certified mail, return receipt requested, and with a copy of the Verified Complaint for
20 Forfeiture In Rem, Warrant of Arrest In Rem, and Notice of Complaint for Forfeiture,
21 at three different last known addresses. ECF No. 8 and 8-1. The United States could
22 not confirm that Aguigui had received the mailings.

23 5. On or about December 12, 2012, the United States requested that the
24 United States Marshals Service personally serve Mr. Aguigui with a copy of the
25 Verified Complaint for Forfeiture In Rem, Warrant of Arrest In Rem, and Notice of
26 Complaint for Forfeiture. Proof of service was filed herein on March 13, 2013. ECF
27 No. 14 and 14-1. Based upon the January 11, 2013, personal service date, last date for
28 Mr. Aguigui to file a timely claim was February 15, 2013. To date, no claim of

1 interest has been received or filed with the Court from Isaac Glen Aguigui, and the
2 time allowed for filing of such a claim has expired.

3 6. On or about March 13, 2013, the United States filed its Notice of Motion
4 for Default. ECF No. 15. The USM-285 shows that Mr. Aguigui was personally
5 served with the notice on March 14, 2013. ECF No. 16. To date, no response or
6 claim has been received from Mr. Aguigui.

7 7. On or about July 13, 2013, the United States filed a Motion to Appoint
8 Counsel Pursuant to Servicemembers Civil Relief Act. ECF No. 18. On August 19,
9 2012, the Court entered an order granting the United States' motion and appointed the
10 Federal Public Defenders for the Eastern District of Washington to represent Mr.
11 Aguigui. ECF No. 19.

12 8. On August 22, 2013, Rebecca Pennell entered a Notice of Appearance on
13 Mr. Aguigui's behalf. ECF No. 20.

14 9. On March 6, 2014, Ms. Pennell filed a Declaration and attachments
15 regarding Mr. Aguigui's status and interest in the Defendant currency. ECF No. 21.

16 It appearing to the Court that any interest that High Mountain Hunting Supply
17 may have had in the defendant property has been resolved through the entry of the
18 Clerk's Order of Default as to High Mountain Hunting Supply;

19 It appearing to the Court that Mr. Aguigui's interest in the defendant property
20 has been resolved both by his plea agreement in the State of Georgia criminal case
21 2012-R-060, in which he consented to the forfeiture of "all assets and property
22 heretofore seized by the federal government in 2012 from this Defendant under
23 violations of federal law" ECF No. 21-1, page 6, paragraph 2; and, through the entry
24 of the Clerk's Order of Default as to Isaac Aguigui;

25 It also appearing to the Court that no other timely claims have been made to the
26 defendant property;

1 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
2 defendant property is hereby forfeited to the United States of America, and no right,
3 title, or interest shall exist in any other person.

4 IT IS FURTHER ORDERED that the United States shall dispose of the
5 forfeited defendant property in accordance with law.

6 DATED this 14th day of May, 2014.

7
8 *s/Lonny R. Suko*

9

Lonny R. Suko
Senior U. S. District Court Judge

10 Presented by:

11 Michael C. Ormsby
12 United States Attorney

13 s/James A. Goeke

14 James A. Goeke
15 Assistant United States Attorney